

Message Text

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43

ACTION ARA-17

INFO OCT-01 ADP-00 L-03 SCA-01 JUSE-00 EB-11 AID-20 TRSE-00

CIAE-00 INR-10 NSAE-00 RSC-01 DODE-00 RSR-01 VO-03

INSE-00 /068 W

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R 051430 Z MAY 73

FM AMEMBASSY QUITO

TO SECSTATE WASHDC 7356

INFO AMCONSUL GUAYAQUIL

C O N F I D E N T I A L QUITO 2376

E. O. 11652: GDS

TAGS: CGEN, IDB, EC

SUBJECT: POSSIBLE ECUADOREAN REQUEST FOR THE EXTRADITION OF
ECUADOREAN OFFICIALS OF IDB: JAIME PORRAS AND NESTOR VEGA

REFS: QUITO 2340 AND 2 351

1. SUMMARY: THE GOE MAY ASK THE EMBASSY OR THE
DEPARTMENT FOR THE EXTRADITION OF ECUADOREAN NATIONALS
JAIME PORRAS AND NESTOR VEGA. THEY ARE OFFICIALS OF
THE IDB. END SUMMARY.

2. THIS TELEGRAM IS TO ALERT THE DEPARTMENT TO THE
POSSIBILITY OF AN ECUADOREAN EXTRADITION REQUEST FOR
THE FORMER VICE MINISTER OF FINANCE JAIME PORRAS, WHO
IS A DEFENDENT IN THE INDUSTRIAL MOLINERA CASE
(QUITO 2351), AND THE FORMER MINISTER OF FINANCE
NESTOR VEGA, WHO IS WANTED IN CONNECTION WITH THE
ADA CASE (QUITO 2340).

3. THE GOE HAS REPORTEDLY REQUESTED THE IDB TO RETURN
BOTH OFFICIALS TO ECUADOR TO FACE CHARGES IN THESE CASES.
THE IDB, ACCORDING TO THE LOCAL PRESS, HAS RESPONDED IN
THE CASE OF VEGA BY SAYING THAT IT ENJOYS DIPLOMATIC
STATUS -- THE IMPLICATION BEING THAT IT WILL DO NOTHING
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ABOUT RETURNING VEGA.

4. AS WE POINTED OUT IN OUR 2340, A FAIR TRIAL IN THE ADA CASE IS UNLIKELY. THIS IS ALSO TRUE IN THE MOLINERA CASE.

5. THE EMBASSY CAN LOCATE NO RECORDS OF RECENT VISAS ISSUED TO PORRAS OR VEGA. IN THE LATTER CASE WE BELIEVE VEGA ENTERED THE U. S. MOST RECENTLY ON AN A-1 VISA AND MAY HAVE SUBSEQUENTLY CHANGED HIS STATUS TO THE " G" CLASSIFICATION. WE ASSUME THAT THE IDB WOULD HAVE TO WAIVE IMMUNITY FOR PORRAS AND VEGA BEFORE THE USG WOULD CONSIDER AN ECUADOREAN REQUEST FOR THEIR EXTRADITION.

6. SHOULD THIS SITUATION ARISE, THE QUESTION OF WHETHER OR NOT THESE TWO CASES SHOULD BE CONSIDERED AS POLITICAL AND, THEREFORE, EXCLUDED FROM EXTRADITION UNDER ARTICLE 3 OF OUR TREATY ON EXTRADITION WITH ECUADOR IS A DIFFICULT ONE TO DECIDE. PRESENTLY VENEZUELA IS FACED WITH SUCH A DECISION SINCE ANOTHER DEFENDENT IN THE ADA MATTER HAS TAKEN REFUGE IN THE VENEZUELAN EMBASSY IN QUITO AND HAS ASKED FOR POLITICAL ASYLUM. OUR INITIAL REACTION TO THIS QUESTION IS TO SAY THAT THESE CASES APPEAR POLITICAL IN THAT THEY ARE BEFORE THE SPECIAL TRIBUNALS WHICH WE CONSIDER TO BE SUBSERVIENT TO THE WISHES OF THE MILITARY GOVERNMENT AT THE EXPENSE OF DUE PROCESS OF THE LAW. THE GOVERNMENT' S CREATION AND USE OF THESE TRIBUNALS IS GENERALLY VIEWED HERE AS AN ATTACK ON JUDICIAL INDEPENDENCE - AN IMPORTANT POLITICAL ISSUE. IN OUR OPINION THESE TRIBUNALS HAVE A POLITICAL PURPOSE AND, THEREFORE, PROSECUTIONS BEFORE THEM TAKE ON POLITICAL COLORATION.

7. SHOULD THE GOE PRESENT A REQUEST FOR EXTRADITION OF THESE IDB OFFICIALS, THE EMBASSY RECOMMENDS THAT THE DEPARTMENT GIVE IT CAREFUL AND EXTENDED CONSIDERATION. BURNS

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*** Current Handling Restrictions *** n/a

*** Current Classification *** CONFIDENTIAL

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 05 MAY 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: garlanwa
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973QUITO02376
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GDS
Errors: n/a
Film Number: n/a
From: QUITO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730537/aaaahzyt.tel
Line Count: 101
Locator: TEXT ON-LINE
Office: ACTION ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 73 QUITO 2340 AND 2 351
Review Action: RELEASED, APPROVED
Review Authority: garlanwa
Review Comment: n/a
Review Content Flags:
Review Date: 18 JAN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <18-Jan-2002 by martinjw>; APPROVED <08 FEB 2002 by garlanwa>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> mcm 971215
Subject: POSSIBLE ECUADOREAN REQUEST FOR THE EXTRADITION OF ECUADOREAN OFFICIALS OF IDB: JAIME PORRAS AND NESTOR VEGA
TAGS: CGEN, EC, CGEN, IDB
To: ARA
GUAYAQUIL
SECSTATE WASHDC
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005